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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,437	02/21/2002	Katsumi Oishi	SONYJP 3.0-241	1006
530 7590 06/04/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER CHOWDHURY, SUMAIYA A	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,437	<b>Applicant(s)</b> OISHI, KATSUMI	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks (5659350).

As for claims 1, 5, and 6, Hendricks teaches a transmission device (cable headend 208), comprising:

a receiving unit (satellite receiver dish) operable to receive a digital broadcast signal distributed from a prescribed distribution device (operations center 202) – col. 6, lines 3-18, col. 8, lines 58-62;

a first generating unit operable to set identification information corresponding to a reception device (set top terminals 220) and reception control information for controlling the reception operation of the reception device in an area secured in advance in a format of composite information, thereby generating composite information; and a second generating unit operable to compose a predetermined number of digital broadcast signals on the basis of the composite information to generate redistribution digital broadcast signals containing the composite information (The cable head receives a multiplexed (composite) digital signal from the operations center. The cable headend

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prepares the control and programming signals for transmission to each set top terminal 220. The headend sends the control and programming signals to the set top terminals in the geographic area it is located. Based on the address set by the headend, the signal is routed to the corresponding set top terminal in its area. – col. 9, lines 18-28);

a transmitter (transmitter in headend) operable to transmit the redistribution digital broadcast signals to the reception device – col. 9, lines 18-28, col. 10, lines 45-46.

As for claim 2, Hendricks teaches wherein the reception control information is set to control the reception operation for every digital broadcast signal for redistribution in the reception device (Each time the headend receives a digital broadcast signal, it distributes it to the plural set top terminals - col. 9, lines 18-28, col. 10, lines 45-46).

As for claims 3 and 9, Hendricks teaches wherein the first generating unit generates the composite information every time a digital broadcast signal for redistribution is received by the reception device or so that the composite information is achieved by the reception device when the composite information is renewed (Each time the headend receives a digital broadcast signal with the programming and control information, it generates multiple streams to be distributed to the plural set top terminals– col. 9, lines 18-28, col. 10, lines 45-46 ).

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Claim 7 includes the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1. Claim 7 additionally calls for the following:

a processor (209 – fig. 3) for executing instructions; and instructions, the instructions including the steps to perform the method as recited in claim 1 (col. 9, lines 18-28).

As for claims 8, 12, and 13, Hendricks teaches a reception device, comprising:

a storage unit (set top terminal) operable to store identification information corresponding to the reception device – col. 9, lines 18-28;

a receiver (set top terminal) operable to receive a redistribution digital broadcast signal containing composite information transmitted from a transmission device (headend) – col. 9, lines 18-28, col. 10, lines 45-46;

an achieving unit operable to achieve reception control information corresponding to the identification information stored in the storage unit from an area secured in advance in a format of the composite information – col. 6, lines 3-18, col. 8, lines 58-62, col. 9, lines 18-28;

an extracting unit operable to extract a desired digital broadcast signal from the redistribution digital broadcast signal by using the composite information– col. 6, lines 3-18, col. 8, lines 58-62, col. 9, lines 18-28; and

a processor operable to process the desired digital broadcast signal on the basis of the reception control information - col. 9, lines 18-28.

As for claim 11, Hendricks teaches wherein the achieving unit achieves the reception control information separately from the reception of the redistribution digital broadcast signal in the receiver (Hendricks teaches first the control signals are received to generate menu templates – col. 11, lines 5-15. The user selects which program to view from the menu, causing the transmission of the programming to the user – col. 11, lines 33-40).

Claim 14 contains the limitations of claims 7 and 8 and is analyzed as previously discussed with respect to those claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 3 above, and further in view of Arai (6751401).

As for claims 4 and 10, Hendricks fails to teach wherein the renewal of the composite information is recognized on the basis of version information of the composite information.

In an analogous art, Arai teaches the renewal of information is recognized by the version number – col. 11, lines 5-17.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Hendricks' invention to include the above mentioned limitation, as taught by Arai, in order to notify the receiver that the content has been updated.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
**ANDREW Y. KOENIG**  
**PRIMARY PATENT EXAMINER**